

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #10	CCRB Case #: 201708109	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/22/2017 8:15 PM	Location of Incident: East 164th Street and Walton Avenue; 44th Precinct stationhouse	Precinct: 44	18 Mo. SOL 3/22/2019	EO SOL 3/22/2019	
Date/Time CV Reported Mon, 09/25/2017 4:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 10/02/2017 1:32 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Chase Maneri	00000	945948	044 PCT
2. POM Luis Marte	24133	941288	044 PCT
3. LT Miguel Iglesias	00000	941926	INT CIS
4. An officer			044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Onyx Salvador	22056	959962	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Miguel Iglesias	Abuse: At East 164th Street and Walton Avenue in the Bronx, Lieutenant Miguel Iglesias authorized the seizure of § 87(2)(b)'s property.	
B.LT Chase Maneri	Abuse: At East 164th Street and Walton Avenue in the Bronx, Lieutenant Chase Maneri threatened to arrest § 87(2)(b)	
C. An officer	Force: At East 164th Street and Walton Avenue, an officer used physical force against § 87(2)(b)	
D.POM Luis Marte	Discourtesy: At the 44th Precinct stationhouse, Police Officer Luis Marte spoke discourteously to § 87(2)(b)	
E. An officer	Abuse: At the 44th Precinct stationhouse, an officer interfered with § 87(2)(b)'s use of a recording device.	

## Case Summary

On September 25, 2017, § 87(2)(b) filed this complaint with IAB via telephone. On October 2, 2017, the complaint was forwarded to the CCRB via IAB log #2017-37378.

At approximately 8:15 p.m. on September 22, 2017, § 87(2)(b) drove a group of people that included her boyfriend, § 87(2)(b) her sister, § 87(2)(b) and her brother, § 87(2)(b) to the intersection of East 164<sup>th</sup> Street and Walton Avenue in the Bronx. § 87(2)(b) was driving a green Jeep Grand Cherokee SUV that was registered in her name. When they arrived, § 87(2)(b) and the other passengers exited the vehicle. § 87(2)(b) walked away, but the other passengers remained at the intersection.

At the time, the intersection was under surveillance by Lt. Michael Iglesias, Lt. Chase Maneri and PO Denis Regimbal of the 44<sup>th</sup> Precinct. Lt. Iglesias allegedly observed another civilian, § 87(2)(b) approach § 87(2)(b) and engage in a hand-to-hand drug transaction near the intersection of East 165<sup>th</sup> Street and Grand Concourse. § 87(2)(b) then walked away from the intersection. Lt. Iglesias reported his observation to Lt. Maneri and PO Regimbal, who took § 87(2)(b) into custody at the intersection of East 165<sup>th</sup> Street and Walton Avenue a block away. Lt. Maneri and PO Regimbal took § 87(2)(b) to the 44<sup>th</sup> Precinct stationhouse, where he was issued a summons for unlawful possession of marijuana.

Lt. Maneri and PO Regimbal then traveled to the intersection of East 164<sup>th</sup> Street and Walton Avenue. They arrested § 87(2)(b) for criminal sale of marijuana. § 87(2)(b) was handcuffed without incident. At Lt. Iglesias' direction, Lt. Maneri moved to seize § 87(2)(b)'s SUV as forfeiture (**Allegation A: Abuse of Authority – Seizure of property**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) both protested this seizure. They were joined in their protest by several bystanders, including § 87(2)(b). § 87(2)(b) got into the driver's seat of the SUV in order to prevent Lt. Maneri from driving it. Lt. Maneri ordered § 87(2)(b) to exit the vehicle. When she did not do so, Lt. Maneri told her that she would be arrested if she did not get out (**Allegation B: Abuse of Authority – Threat of arrest**, § 87(2)(g)). § 87(2)(b) eventually complied and exited the SUV. Before Lt. Maneri could drive the SUV away, § 87(2)(b) stepped in front of it to block its path. An officer allegedly pushed § 87(2)(b) to the ground (**Allegation C: Force – Physical force**, § 87(2)(g)). § 87(2)(b) was then arrested for § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) were transported to the 44<sup>th</sup> Precinct stationhouse. Several civilians, including § 87(2)(b) and § 87(2)(b) traveled to the stationhouse to protest their arrests. PO Luis Marte of the 44<sup>th</sup> Precinct ordered them to leave the stationhouse. He allegedly used various profanities while doing so (**Allegation D: Discourtesy – Word**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) walked out of the stationhouse. PO Marte and several officers followed them outside. PO Marte arrested § 87(2)(b) for § 87(2)(b). § 87(2)(b) recorded § 87(2)(b)'s arrest on his cell phone. One of the officers allegedly slapped the phone out of § 87(2)(b)'s hand (**Allegation E: Abuse of Authority – Interference with a recording device**, § 87(2)(g)). § 87(2)(b) was not arrested.

Three clips of cell phone footage of the portion of the incident at the intersection of East 164<sup>th</sup> Street and Walton Avenue was provided by IAB. It was attached in IAs #24-26 (See Board Review #01-03: Video Footage). A summary of the footage was attached in IA #33 (See Board Review #04: Video Summary). The footage has been attached below.

### **Findings and Recommendations**

#### **Allegation (A) Abuse of Authority: At East 164<sup>th</sup> Street and Walton Avenue in the Bronx, Lieutenant Miguel Iglesias authorized the seizure of § 87(2)(b)'s property.**

It is undisputed that § 87(2)(b) was issued a summons for § 87(2)(b) at approximately 8:15 p.m. at the intersection of East 165<sup>th</sup> Street and Walton Avenue (See Board Review #05: Summons). At approximately 8:45 p.m., § 87(2)(b) was arrested at the intersection of East 164<sup>th</sup> Street and Walton Avenue after he was allegedly observed selling § 87(2)(b) the marijuana that he was found with. After Lt. Maneri arrested § 87(2)(b) for § 87(2)(b), he seized custody of the SUV that § 87(2)(b) had been riding in. The vehicle was later found to be registered to § 87(2)(b). Lt. Maneri drove the vehicle to the 44<sup>th</sup> Precinct stationhouse, where it was vouchered as forfeiture. A black plastic bag containing marijuana was also recovered during § 87(2)(b)'s arrest.

§ 87(2)(b) and § 87(2)(b) provided telephone statements on October 4, 2017. § 87(2)(b) did not cooperate with the investigation and provide a sworn statement. § 87(2)(g)

§ 87(2)(b) provided a telephone statement on October 19, 2017. § 87(2)(b) was interviewed at § 87(2)(b) in the Bronx on November 1, 2017 (See Board Review #06-09: Civilian Statements). Each of these civilians stated that they were present at the intersection of East 164<sup>th</sup> Street and Walton Avenue to witness § 87(2)(b)'s arrest. They all stated that § 87(2)(b) arrived at the intersection in § 87(2)(b)'s SUV. They also denied that § 87(2)(b) had engaged in any drug transactions. § 87(2)(b) and § 87(2)(b) all stated that when the police arrived, they picked up a black plastic bag that had been sitting on the sidewalk near where § 87(2)(b) was standing. They denied seeing § 87(2)(b) or anybody else hold, handle or touch the bag. The police later claimed that the bag contained marijuana. They arrested § 87(2)(b) alleging that the marijuana belonged to him. Afterwards, Lt. Maneri took the keys to § 87(2)(b)'s SUV from § 87(2)(b) and entered it.

§ 87(2)(b) provided a telephone statement on October 24, 2017 (See Board Review #10: § 87(2)(b)'s Statement). He denied that he was present at East 164<sup>th</sup> Street and Walton Avenue. He did not witness the seizure of § 87(2)(b)'s vehicle. § 87(2)(b) declined to provide a statement regarding the incident on the advice of counsel because his criminal case is still open. § 87(2)(b) did not respond to contact attempts (See Board Review #11: Civilian Contact Attempts).

Lt. Maneri was interviewed at the CCRB on January 12, 2018 (See Board Review #12: Lt. Maneri's Statement). He stated that he and PO Regimbal were working in coordination with Lt. Iglesias to monitor the intersection of East 164<sup>th</sup> Street and Walton Avenue. Lt. Iglesias was

positioned § 87(2)(e). He relayed information via radio to Lt. Maneri and PO Regimbal, who were parked a few blocks away. Lt. Iglesias informed Lt. Maneri over the radio that he had observed § 87(2)(b) engage in a hand-to-hand drug transaction with § 87(2)(b). He also stated that § 87(2)(b) had made this sale out of an SUV that was parked on the street. Lt. Maneri subsequently stopped § 87(2)(b) who confessed that he had bought marijuana from § 87(2)(b). § 87(2)(b) also produced a small plastic bag containing marijuana. § 87(2)(b) was taken to the 44<sup>th</sup> Precinct stationhouse and issued a summons for § 87(2)(b). Lt. Maneri then returned to the intersection to arrest § 87(2)(b) for § 87(2)(b). He explained that § 87(2)(b) and § 87(2)(b) were not arrested at the time because he and PO Regimbal lacked the manpower to arrest both simultaneously, as Lt. Iglesias was still § 87(2)(e). En route, Lt. Iglesias told Lt. Maneri to voucher the SUV that was parked at the intersection because § 87(2)(b) had used it to facilitate the sale. Lt. Maneri explained that it is NYPD procedure to take vehicles used in the commission of gambling or narcotics sales into custody as forfeiture. Lt. Maneri thus took the vehicle into custody based on Lt. Iglesias' claim that the SUV had been used to sell drugs. When Lt. Maneri approached § 87(2)(b) to arrest him, he saw that § 87(2)(b) was holding a black plastic bag in his hand. When § 87(2)(b) saw Lt. Maneri coming, he dropped the bag to the ground at his feet. Lt. Maneri recovered the bag and found that it contained marijuana packaged in small plastic bags.

Lt. Iglesias was interviewed at the CCRB on January 30, 2018 (See Board Review #13: Lt. Iglesias' Statement). § 87(2)(g). He stated that he observed § 87(2)(b) engage in a hand-to-hand transaction with § 87(2)(b) on the northwest corner of the intersection of East 164<sup>th</sup> Street and Walton Avenue. § 87(2)(b) handed § 87(2)(b) cash. In exchange, § 87(2)(b) reached into a black plastic bag and produced a smaller plastic bag. Lt. Iglesias did not see what was in the smaller bag. § 87(2)(b) handed the smaller bag to § 87(2)(b) who then walked away. § 87(2)(b) then opened the front passenger's door of the SUV and leaned inside. The SUV's dome light illuminated its interior. Inside of the vehicle, § 87(2)(b) started to count the money he received from § 87(2)(b). He also took several additional smaller bags out of the black plastic bag and examined them. Lt. Iglesias was not able to see what was in the smaller bags. Based on these observations, Lt. Iglesias determined that § 87(2)(b) was using the SUV to facilitate drug transactions. As such, he instructed Lt. Maneri to seize the SUV as forfeiture.

Video footage from the incident does not show what occurred prior to § 87(2)(b)'s arrest (See Board Review #01: Video Footage). One of the videos, attached below, shows a plainclothes officer leaning down and picking a small black object off of the ground. Two other uniformed officers are seen standing next to Lt. Maneri, holding a Hispanic male by his arms. Upon viewing the footage, Lt. Maneri stated that he is the plainclothes officer and § 87(2)(b) is the Hispanic male. The black object that he is seen picking up is the black plastic bag containing the marijuana.



201708109 - Video 1.3gp

Property vouchers from § 87(2)(b) s arrest indicate that § 87(2)(b) SUV was seized as forfeiture. Marijuana was also vouchered as arrest evidence (See Board Review #14: Property Vouchers).

NYPD Patrol Guide procedure 208-26 states that property, including vehicles, used as the means of transporting or concealing illegal substances such as marijuana may be seized during an arrest and held pending forfeiture proceedings (See Board Review #15: Legal Reference).

§ 87(2)(g)  
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§ 87(2)(g)  
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§ 87(2)(g)  
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§ 87(2)(g)  
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§ 87(2)(g)  
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§ 87(2)(g)

**Allegation (B) Abuse of Authority: At East 164<sup>th</sup> Street and Walton Avenue in the Bronx, Lieutenant Chase Maneri threatened to arrest § 87(2)(b)**

It is undisputed that when Lt. Maneri attempted to take custody of § 87(2)(b)'s SUV, § 87(2)(b) got into the driver's seat. Lt. Maneri ordered § 87(2)(b) several times to exit the vehicle. When she did not, Lt. Maneri told her that she would be arrested if she did not comply. § 87(2)(b) did ultimately exit the vehicle. She was not arrested.

This interaction was captured on one of the videos (See Board Review #02: Video Footage). The relevant clip has been attached below. At 1:33 on the recording, Lt. Maneri tells § 87(2)(b) "You're going to be handcuffed." At 1:47, he tells her, "I don't want to arrest you."



201708109 - Video 2.mov

Lt. Maneri stated that § 87(2)(b)'s presence in the driver's seat prevented him from taking the vehicle into custody for vouchering. As such, he believed that her actions constituted obstruction of governmental administration. Lt. Maneri felt that he would have been justified in arresting § 87(2)(b) for this crime if she had not complied with his orders and exited the vehicle.

§ 87(2)(g)

**Allegation (C) Force: At East 164<sup>th</sup> Street and Walton Avenue in the Bronx, an officer used physical force against § 87(2)(b)**

§ 87(2)(b) stated that after § 87(2)(b) exited § 87(2)(b)'s SUV, Lt. Maneri got into the front seat. § 87(2)(b) stood directly in front of the SUV. Several officers told § 87(2)(b) to move, but he refused to do so. A heavyset Hispanic male officer in his 40s pushed him on his shoulders. This action caused § 87(2)(b) to fall back. He landed on his backside. § 87(2)(b) did not sustain any injuries as a result of this fall. After he fell, the surrounding officers told him to stand up. § 87(2)(b) told them that he would get up on his own, but the officers ignored him and lifted him back up. § 87(2)(b) was then arrested for obstructing governmental administration. No further force was used against him.

§ 87(2)(b) also stated that § 87(2)(b) positioned himself in front of the vehicle. He, however, claimed that § 87(2)(b) sat down himself. He made no mention of any officer pushing § 87(2)(b) or using any kind of force against him. § 87(2)(b) stated that § 87(2)(b) had

gotten into the SUV along with § 87(2)(b) in an effort to prevent Lt. Maneri from taking it. An officer reached into the SUV, grabbed § 87(2)(b) and pulled him forcibly out. The officer then threw § 87(2)(b) down to the ground.

§ 87(2)(b) and § 87(2)(b) both stated that they did not witness § 87(2)(b)'s arrest.

PO Marte was interviewed at the CCRB on January 23, 2018 (See Board Review #16: PO Marte's Statement). § 87(2)(g) All three officers stated that § 87(2)(b) stood in front of the SUV when Lt. Maneri tried to drive it away. This prevented Lt. Maneri from leaving. Several officers told § 87(2)(b) to move, but he refused to do so. § 87(2)(b) then sat down in front of the SUV. All three officers denied that § 87(2)(b) was pushed or forcibly brought down to the ground. They denied that any force was used against § 87(2)(b). Since § 87(2)(b)'s action prevented Lt. Maneri from seizing § 87(2)(b)'s vehicle, he was arrested for § 87(2)(b).

PO Salvador was interviewed at the CCRB on December 29, 2017 (See Board Review #17: PO Salvador's Statement). While PO Salvador was listed as § 87(2)(b)'s arresting officer, he denied that he was present at East 164<sup>th</sup> Street and Walton Avenue. He stated that he was later assigned to be § 87(2)(b)'s arresting officer by Lt. Maneri at the 44<sup>th</sup> Precinct stationhouse. He denied witnessing § 87(2)(b)'s arrest. He was not aware of any officer using force against § 87(2)(b).

Of the three videos provided, only one of them recorded § 87(2)(b)'s arrest (See Board Review #02: Video Footage). While IAB did not identify the person who recorded the video when it was provided, the investigation determined that it was initially recorded by § 87(2)(b) himself. The camera was handed over to another unidentified bystander partway through the recording.

At 3:20 on the recording, the camera shows a group of uniformed officers. The camera is recording at eye level with these officers. The camera then lowers down. By 3:30 on the recording, the camera is below the uniformed officer's waist, looking up towards them. The camera is positioned directly next to the front bumper of a vehicle. The officer standing directly in front of the camera is seen holding his right arm at his side throughout this time. The officer's left arm is not seen. At 3:43 on the recording, a female voice shouts, "Why's my boyfriend on the floor?" Several male voices are heard in the background, stating, "Get up." At 3:53 on the recording, the camera shakes momentarily. It then pulls back and up, away from the bumper of the vehicle. It shows a black male, identified by the investigation as § 87(2)(b) sitting on the road in front of a parked SUV. No other individuals are on the ground besides § 87(2)(b). The officers then lift § 87(2)(b) up to his feet.



201708109 - Video 2.mov

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (D) Discourtesy: At the 44<sup>th</sup> Precinct stationhouse, Police Officer Luis Marte spoke discourteously to § 87(2)(b)**

It is undisputed that § 87(2)(b) traveled to the 44<sup>th</sup> Precinct stationhouse after § 87(2)(b)'s and § 87(2)(b)'s arrests. He spoke to PO Marte in the civilian waiting area. PO Marte ordered § 87(2)(b) to leave the stationhouse. At issue is the language that he used to issue this command. The events at the stationhouse were not recorded on any of the videos.

§ 87(2)(b) did not describe the specific phrasing of PO Marte's command in his telephone statement. § 87(2)(b) stated that as PO Marte told § 87(2)(b) to leave the stationhouse, he also stated, "Suck my dick," and, "Fuck your grandmother." § 87(2)(b) stated that he was in the stationhouse holding cell when § 87(2)(b) entered the stationhouse. As the holding cells are in a room adjacent to the civilian waiting area, § 87(2)(b) was able to see § 87(2)(b) as he spoke to PO Marte. § 87(2)(b) alleged that PO Marte told § 87(2)(b) "Get out of my fucking house."

While § 87(2)(b) stated that she traveled to the stationhouse after the first two arrests, she made no mention of § 87(2)(b) going with her. She made no mention of anybody being arrested at the stationhouse, or of an officer using profanity towards anybody. § 87(2)(b) also stated that she went to the stationhouse. While she witnessed § 87(2)(b)'s arrest there, she made no mention of any officers using profanity. § 87(2)(g)

PO Marte stated that he told § 87(2)(b) to leave the stationhouse because he was yelling towards § 87(2)(b) and § 87(2)(b) in the holding cell and was causing a disruption. PO Marte did not recall how he worded his command, but he denied that he used any profanity when addressing § 87(2)(b)

Lt. Maneri and Lt. Iglesias both stated that they were in the civilian waiting area when § 87(2)(b) was told to leave the stationhouse. Both of them denied hearing any officers, including PO Marte, use profanity towards any of the civilians. PO Salvador was processing arrest paperwork for § 87(2)(b) and § 87(2)(b) at the time of the incident. He was not in the civilian waiting area. PO Salvador did not witness PO Marte's interaction with § 87(2)(b) and only learned of § 87(2)(b)'s arrest after it occurred. PO Salvador was not aware of any officers using profanity towards any civilians.

§ 87(2)(g)



§ 87(2)(g)

**Allegation (E) Abuse of Authority: At the 44<sup>th</sup> Precinct stationhouse, an officer interfered with § 87(2)(b)'s use of a recording device.**

In their telephone statements, § 87(2)(b) and § 87(2)(b) both stated that § 87(2)(b) was recording the officers who arrested § 87(2)(b) outside of the 44<sup>th</sup> Precinct stationhouse. An officer then approached § 87(2)(b) and slapped the phone out of his hand. § 87(2)(b) also stated that she was present at the time an officer slapped the phone away. She alleged that § 87(2)(b) was the one holding the phone.

The events at the stationhouse were not recorded on any of the videos.

§ 87(2)(b) was the only civilian who provided a sworn statement regarding the incident. Neither § 87(2)(b) nor § 87(2)(b) appeared for their interviews to provide sworn statements (See Board Review: Civilian Contact Attempts). He did not witness this allegation, as he was not outside of the stationhouse when it occurred. § 87(2)(g)

**Civilian and Officer CCRB Histories**

- § 87(2)(b) has been involved in two previous CCRB complaints:
  - § 87(2)(b)
- § 87(2)(b) has been involved in one previous CCRB complaint:
  - § 87(2)(b)
- § 87(2)(b) has been involved in one previous CCRB complaint:
  - § 87(2)(b)
- This is the first CCRB complaint filed by or involving § 87(2)(b) and § 87(2)(b) (See Board Review #19: Civilian CCRB Histories).
- Lt. Iglesias has been a member of the service for eleven years and there are five previous substantiated CCRB allegations against him:
  - In case #200813882, frisk and search allegations were substantiated against him. He received instructions.
  - In case #201016728, stop, frisk and search allegations were substantiated against him. He received instructions.

- Lt. Iglesias has been the subject of twenty-six allegations over nine previous complaints. This is the first seizure of property allegation made against him.
- Lt. Maneri has been a member of the service for ten years and there are no substantiated CCRB allegations against him. He has been the subject of eight allegations over five previous complaints. This is the first threat of arrest allegation made against him.
- PO Marte has been a member of the service for eleven years and there are four substantiated CCRB allegations against him.
  - In case #201604697, physical force, threat of arrest, discourtesy (word) and offensive language (gender) allegations were substantiated against him. The CCRB recommended that he receive charges. PO Marte was found to be not guilty in his APU trial.
  - PO Marte has been the subject of thirteen allegations over six previous complaints. In addition to the substantiated discourtesy allegation mentioned above, he has been the subject of two other discourtesy (word) allegations. They were closed as complaint withdrawn and unsubstantiated.

## **Mediation, Civil and Criminal Histories**

- This case was ineligible for mediation due to § 87(2)(b) s, § 87(2)(b) s and § 87(2)(b) s arrests.
- A Notice of Claim request was made to the NYC Comptroller's office on February 13, 2018. It will be included in the case file upon receipt.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Allegations Not Pleaded

- § 87(2)(g) [REDACTED]

[illegible]

Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_